

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

I&S ASSOCIATES TRUST,)	
)	Civil Action
Plaintiff)	No. 05-CV-4846
)	
vs.)	
)	
COUNTY OF LANCASTER, PENNSYLVANIA)	
and)	
150 NORTH QUEEN STREET, CITY)	
OF LANCASTER, PENNSYLVANIA,)	
)	
Defendants)	

O R D E R

NOW this 17th day of July, 2008, upon consideration of the Motion of Defendants County of Lancaster, Pennsylvania and 150 N. Queen Street to Dismiss Complaint Based on Lack of Subject Matter Jurisdiction or, Alternatively, Motion for Abstention, which motion was filed May 15, 2008; upon consideration of the Answer of I&S Associates Trust to County of Lancaster's Motion to Dismiss, which answer was filed May 29, 2008; it appearing that on December 15, 2004 the County of Lancaster, as condemnor, initiated a condemnation action in the Court of Common Pleas of Lancaster County, Pennsylvania (case no. CI-04-11545), against the property located at 150 North Queen Street, City of Lancaster, Pennsylvania pursuant to Pennsylvania's former Eminent Domain Code;¹ it further appearing that plaintiff I&S Associates Trust initiated this federal action (civil action no. 05-cv-4846)

¹ Act of June 22, 1964, Sp.Sess., P.L. 84, art. IV, § 402, as amended, Dec. 5, 1969, P.L. 316, § 1, 26 P.S. § 1-402 (repealed by Act of May 4, 2006, P.L. 112, No. 34, § 5(2), and superceded by 26 Pa.C.S.A. § 302).

on September 9, 2005 by filing its Complaint for Appointment of Board of Viewers; it further appearing that plaintiff never removed the eminent domain action from the Court of Common Pleas of Lancaster County, Pennsylvania; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the Motion of Defendants County of Lancaster, Pennsylvania and 150 N. Queen Street to Dismiss Complaint Based on Lack of Subject Matter Jurisdiction or, Alternatively, Motion for Abstention is granted.

IT IS FURTHER ORDERED that action is dismissed for lack of subject matter jurisdiction and remanded to the eminent domain action in the Court of Common Pleas of Lancaster County, Pennsylvania (case no. CI-04-11545).

IT IS FURTHER ORDERED that the Clerk of Court shall this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge